

## Message Text

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ORIGIN CPR-01

INFO OCT-01 NEA-10 IO-14 ISO-00 L-03 JUSE-00 OPR-02  
A-01 TRSE-00 /032 R

DRAFTED BY S/CPR:HDAVIS:DPW  
APPROVED BY S/CPR:HDAVIS  
L/M - MR. SHAMWELL (DRAFT)  
DEPT. OF JUSTICE - MR. RISTAU  
(DRAFT)

-----088702 111736Z /44

R 102108Z AUG 77  
FM SECSTATE WASHDC  
TO ALL DIPLOMATIC AND CONSULAR POSTS  
USINT BAGHDAD  
AMEMBASSY BEIRUT  
USMISSION USUN NEW YORK

UNCLAS STATE 189095

INFORM CONSULS

E.O. 11652: N/A

TAGS: PDIP

SUBJECT: HOST COUNTRY REQUIREMENTS FOR AUTOMOBILE LIABILITY  
INSURANCE

1. DEPARTMENT IS COOPERATING WITH COGNIZANT COMMITTEES OF  
CONGRESS ON LEGISLATION TO AMELIORATE EFFECTS OF DIPLOMATIC  
IMMUNITY, ESPECIALLY IN AUTOMOBILE ACCIDENT CASES INVOLVING  
PERSONAL INJURY AND PROPERTY DAMAGE. TO MEET LEGITIMATE  
CONGRESSIONAL DEMANDS DEPARTMENT URGENTLY REQUIRES BY SEP-  
TEMBER 1 ANSWERS TO FOLLOWING QUESTIONS:

A. IS THERE A MANDATORY LIABILITY INSURANCE LAW IN HOST  
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COUNTRY APPLICABLE TO ALL AUTOMOBILES REGISTERED THEREIN?

B. IF SUCH LAW EXISTS, WHAT ARE MINIMUM COVERAGE AMOUNTS  
(EXPRESSED IN DOLLARS) REQUIRED, AND HOW IS REQUIREMENT EN-  
FORCED AGAINST DIPLOMATS?

C. IF NO SUCH LAW EXISTS, IS THERE A SPECIFIC REQUIREMENT,

BY LAW OR REGULATION, THAT FOREIGN DIPLOMATIC MISSION VEHICLES AND VEHICLES OF DIPLOMATS BE INSURED? IF SO, GIVE DETAILS INCLUDING MEANS OF ENFORCEMENT.

D. IF NO LEGAL OR REGULATORY REQUIREMENT IS IMPOSED BY HOST GOVERNMENT, DO ALL MEMBERS OF MISSION, INCLUDING MEMBERS OF ADMINISTRATIVE AND TECHNICAL STAFF, WHO UNDER VIENNA CONVENTION ENJOY ONLY OFFICIAL ACTS IMMUNITY, CARRY LIABILITY INSURANCE ON PERSONALLY OWNED VEHICLES MEETING PRESCRIBED MINIMUM LEVELS? IF SO, GIVE DETAILS, INCLUDING EXPLANATION OF ENFORCEMENT MECHANISM EMPLOYED AT POST.

E. DOES LOCAL LAW PROVIDE FOR DIRECT LEGAL ACTION AGAINST INSURERS, THUS BYPASSING PROBLEM OF DIPLOMATIC IMMUNITY BY ENABLING PLAINTIFFS TO SUE INSURANCE COMPANY DIRECTLY? (FOR POSTS IN COUNTRIES WHICH ARE PARTY TO EUROPEAN CONVENTION ON COMPULSORY INSURANCE AGAINST CIVIL LIABILITY IN RESPECT OF MOTOR VEHICLES, 720 UNTS 119, PLEASE EXPLAIN HOW ARTICLE 7, PARA 2 OF ANNEX I TO THE CONVENTION, PROVIDING THAT "THE INSURER MAY MAKE THE ASSURED A PARTY TO AN ACTION BROUGHT AGAINST HIM BY THE INJURED PARTY," IN PRACTICE IS APPLIED WITH RESPECT TO DIPLOMATS, ABSENT WAIVER OF IMMUNITY.)

F. IF SUCH PROVISION EXISTS, CAN INSURANCE COMPANY DEFEND ON GROUND THAT INSURED HAS VIOLATED A CONTRACT TERM, SUCH

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AS FAILURE TO COOPERATE IN DEFENSE AGAINST THE ACTION BY TESTIFYING IN COURT?

G. IF ANSWER TO LAST QUESTION IS YES, HOW IN PRACTICAL TERMS ARE SATISFACTORY SETTLEMENTS REACHED WITH INSURANCE COMPANIES? FOR EXAMPLE, IS IT STANDARD PRACTICE FOR OTHER DIPLOMATIC MISSIONS TO WAIVE DIPLOMAT'S IMMUNITY FOR PURPOSE OF COOPERATING WITH INSURER IN DEFENSE? (IF POST CANNOT DRAW ON OWN EXPERIENCE FOR THIS INFORMATION, DEPARTMENT CONSIDERS IT ESSENTIAL IT BE OBTAINED FROM FOREIGN MINISTRY.)

H. IS THERE A SYSTEM BY WHICH ALL DIPLOMATIC PERSONNEL AND DIPLOMATIC MISSIONS SEEKING AUTOMOBILE LIABILITY INSURANCE CAN OBTAIN IT? DOES HOST STATE PROVIDE ASSISTANCE IN THIS REGARD?

I. ARE PREMIUM RATES APPLICABLE TO DIPLOMATS SIGNIFICANTLY HIGHER THAN THOSE APPLICABLE TO CITIZENS OF HOST COUNTRY IN PROFESSIONAL OCCUPATIONS?

J. IS THE INSURANCE CONTRACT WRITTEN FOR DIPLOMATS DIFFER-

ENT FROM MORE OR LESS STANDARD CONTRACT IN USE IN HOST COUNTRY? IF SO, POUCH SAMPLE COPY IN ENGLISH TEXT TO PROTOCOL SOONEST.

K. DOES HOST GOVERNMENT REQUIRE EMBASSIES OF INSURED DIPLOMATS TO WAIVE IN ADVANCE IMMUNITY FROM LIABILITY FOR COVERED ACTS?

L. IF DIPLOMAT CAUSES ACCIDENT, IS IT CUSTOMARY FOR WAIVER TO BE LIMITED TO AMOUNT OF LIABILITY INSURANCE COVERAGE?

M. DOES PREVAILING SYSTEM WORK WELL, TO EXTENT THAT THERE HAVE BEEN IN RECENT YEARS NO NOTORIOUS CASES OF PERSONAL INJURY OR DEATH CAUSED BY A DIPLOMAT OF ANY MISSION WHERE UNCLASSIFIED

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THERE HAS BEEN NO OR INADEQUATE COMPENSATION RESULTING FROM LACK OF INSURANCE OR FAILURE OF INSURANCE COMPANY TO SETTLE?

N. IS THERE ANY SYSTEM BY WHICH PERSONS SUFFERING DAMAGE AT HANDS OF DIPLOMATIC PERSONNEL RECEIVE COMPENSATION FROM HOST GOVERNMENT?

2. CABLE REPLIES SLUGGED TO PROTOCOL REQUIRED SOONEST. CHRISTOPHER

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## Message Attributes

**Automatic Decaptioning:** X  
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**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
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**Original Handling Restrictions:** n/a  
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**TAGS:** PDIP, ELTN, XX  
**To:** ALL POSTS BAGHDAD MULTIPLE  
**Type:** TE  
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**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009